

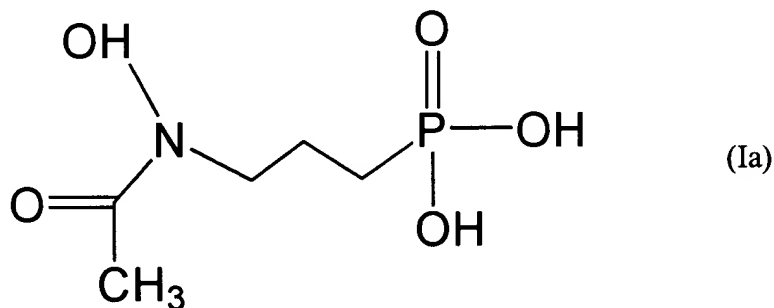
REMARKS

Applicant's Election of Invention

The Applicant has previously elected, with traverse, Group I, claims 1-7 and 15-19 drawn to a method of treating a desirable plant. Both the election and the reasons for the traversal are incorporated herein by references.

Species Election

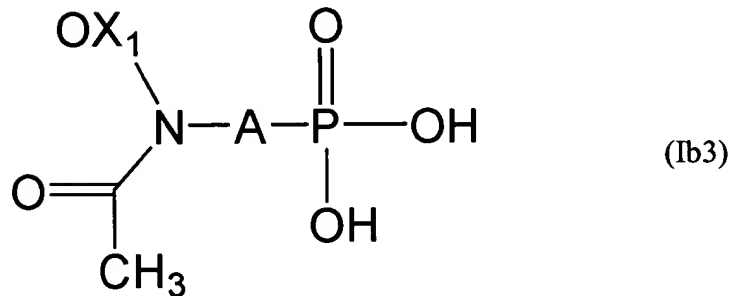
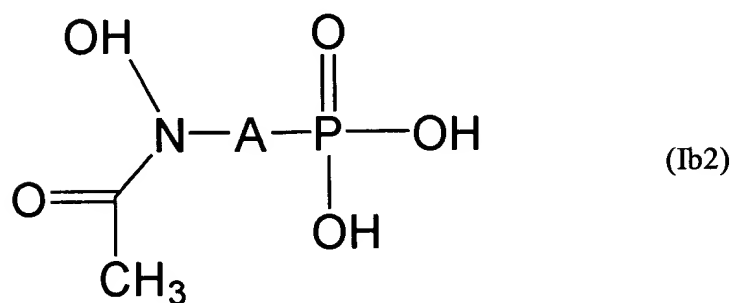
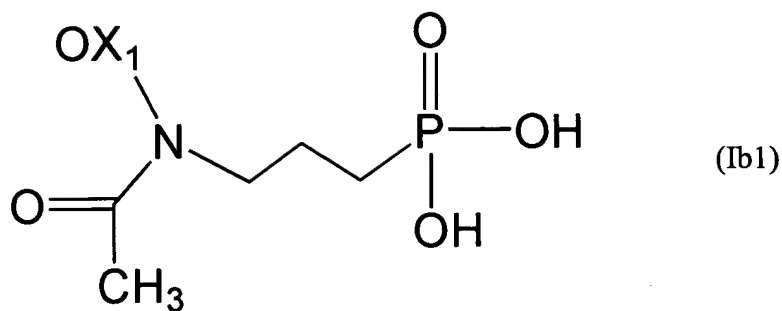
The Applicant hereby elects, with traverse, from "the species ... set forth in claim 1" the compound corresponding to the formula Ia as illustrated below:



for examination as the representative compound for the elected Group I claims.

The Applicant respectfully maintains that requiring the election of a "species" more narrow than a group of compounds encompassed within one class/subclass combination as provided in the USPTO's Manual of Classification is unduly restrictive. The Applicants respectfully contend, therefore, that the species election should provide, at a minimum, for the consideration of at least one genus of compounds such as defined, for example, by a class/subclass combination. The Applicant, therefore, respectfully requests reconsideration and withdrawal of the current species election requirement.

In the event that the Examiner is willing to entertain a "species" election that encompasses more than a single compound, the Applicant elects, in the alternative, one or more of the species corresponding to formulas 1b1 - 1b3 as provided below:



wherein X_1 is selected from a group consisting of hydrogen, alkyl, hydroxyalkyl, alkenyl, alkynyl, aryl, acyl, cycloalkyl, aralkyl, and heterocyclic residues; and

wherein A has a carbon chain length of 3 and is selected from a group consisting of alkylene, alkenyl and hydroxyalkylene residues.

Applicant respectfully maintains that claim 1 remains generic to all elected compounds.


For all of the above stated reasons, reconsideration and withdrawal of the pending restriction/election requirements and favorable action on all claims pending in the present application are earnestly solicited.

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned at the number provided.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKY, & PIERCE, P.L.C.

By  (41,646) for
Donald J. Daley, Reg. No. 34,313
P.O. Box 8910
Reston, Virginia 20195
(703) 668-8034

DJD/GPB:ewd